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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MARTIN SAUCEDO,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,

Defendant.

Case No. CV 06-04560 AN

ORDER AFFIRMING  
DECISION OF COMMISSIONER

The Court now rules as follows with respect to the two disputed issues in the Joint Stipulation (“JS”).<sup>1/</sup>

First, Plaintiff principally contends reversal is warranted because “the Appeals Council clearly abused its discretion in rejecting Dr. Lawrence Cooke’s April 14, 2006 assessment.” [JS at 5:1-2.] However, the Court rejects Plaintiff’s first contention for the reasons stated by the Commissioner at pages 12:18-15:15 of the JS. Further, during the hearing, the Administrative Law Judge (“ALJ”) asked Plaintiff how the medications affected him, and Plaintiff responded, “[t]hey get me kind of drowsy, tiredness. Not really unfocused, but not fully focusing 100 percent.” [AR at 270.] Consequently,

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<sup>1/</sup> Both parties have consented to proceed before the undersigned Magistrate Judge. In accordance with the Court’s Case Management Order, the parties have filed the JS and seek a dispositive order regarding the disputed issues set forth in the JS. The Court’s decision is based upon the pleadings, the Administrative Record (“AR”), and the JS.

1 Plaintiff's own testimony also undermines Dr. Cooke's conclusory opinion that the side  
2 effects of Plaintiff's medications completely debilitate him.

3 Second, Plaintiff principally contends the ALJ failed to give proper reasons for  
4 rejecting Plaintiff's subjective symptom testimony. [JS at 17:10- 23:25.] However, the  
5 Court finds Plaintiff's second contention lacks merit for the reasons stated by the  
6 Commissioner at pages 24:1-27:2 of the JS. The Court finds the ALJ gave clear and  
7 convincing reasons for rejecting Plaintiff's subjective testimony regarding the severity  
8 of his symptoms that were supported by substantial evidence in the record. That is exactly  
9 what an ALJ is required to do. *Bunnell v. Sullivan*, 947 F.2d 341, 346-47 (9th Cir. 1988);  
10 *Lester v. Chater*, 81 F.3d. 821, 834 (9th Cir. 1996).

11 IT IS THEREFORE ORDERED that judgment be entered affirming the  
12 Commissioner's final decision, and dismissing this action with prejudice.

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15 DATED: August 21, 2007

ARTHUR NAKAZATO  
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ARTHUR NAKAZATO  
UNITED STATES MAGISTRATE JUDGE